

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

PLANNING DEPARTMENT HEARING

Promoting the wise use of land Helping build great communities

MEETING DATE February 3, 2006	CONTACT/PHONE Holly Phipps / 781-1162	APPLICANT Klintworth	FILE NO. COAL 05-0371 SUB2005-00117			
197.1, and 64.5 acres.	The adjustment will result in th any additional parcels. The 24425 Highway 41 approximat	ree parcels of 166.9 ac	etween three parcels of 245.1, res each. The project will not ithin the Agriculture land use ascadero. The site is in the El			
RECOMMENDED ACTION Approve Lot Line Adjustr in Exhibit B	nent COAL 05-0371 based on t	he findings listed in Exh	ibit A and the conditions listed			
ENVIRONMENTAL DETERMINA A Class 5 Categorical Ex	rion cemption (ED05-276) was issue	d on January 5, 2006.				
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL 034-511-011, 034-541-006, 00	DISTRICT(S)			
PLANNING AREA STANDARDS: None applicable						
LAND USE ORDINANCE STAND L.U.O. section 22.22.040	^{ARDS:}) – Subdivision design, agriculti	ure category				
EXISTING USES: Vacant						
SURROUNDING LAND USE CA' North: Agricultural/agric South: Agricultural/ vaca	ulture and scattered residences	s East: Agricultural/ v West: Agricultural/ v	vacant acant and scattered residences			
		tal Health, Ag Commiss	ioner, Cal Trans, and City of			
TOPOGRAPHY: Gently rolling to modera	te slopes to steep slopes	vegetation: Grasses, scatt	vegetation: Grasses, scattered oaks			
PROPOSED SERVICES: Water supply: On-site w Sewage Disposal: Indi Fire Protection: CDF Cr	rell vidual septic system		ACCEPTANCE DATE: December 29, 2005			

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between three legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
64.5	168.9
197.1	168.9
245.1	168.9

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the three parcels to more nearly equalize the parcel sizes. The lot line adjustment will bring the site into consistency with Land Conservation Contract which requires a minimum parcel size of 160 acres. The County Department of Agriculture finds the proposed Klintworth Lot Line Adjustment to be equal to or better than the existing parcels but recommends that Land Conservation Act contract issues, if any, are addressed concurrently with the proposed lot line adjustment. As the parcels will be at least 160 acres in size, and are entirely covered by the ag preserve contract, no amendments or changes to the contract are necessary.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, and the ag preserve contract, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The number of existing lots were legally created by Certificate of Compliance at a time when that was a legal method of creating lots.

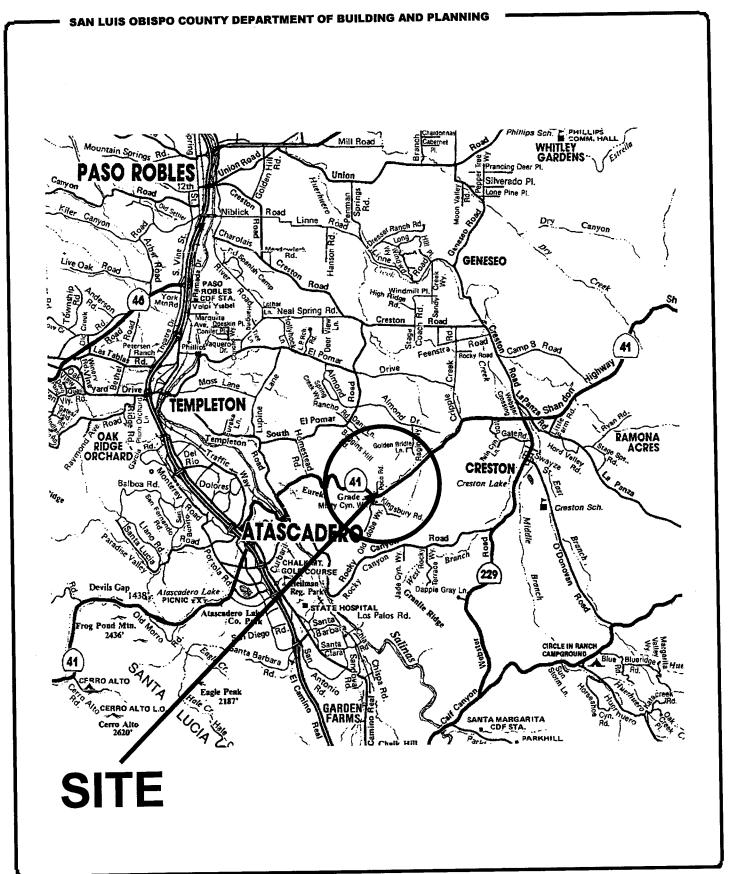
FINDINGS - EXHIBIT A

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the adjustment will result in three parcels of 168.9 acres each. The project will not result in the creation of any additional parcels.
- B. The proposed lot line adjustment involves all contracted land that is owned by the same party and is currently under the Williamson Act (which requires 160 acres as the minimum parcel size); no contract amendments are needed. The proposed lot line adjustments will bring the site into consistency with the Land Conservation Contract. The County Department of Agriculture finds the proposed Klintworth Lot Line Adjustment to be equal to or better than the existing parcels.
- C. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- D. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- E. The project qualifies for a Categorical Exemption (Class 5 pursuant to CEQA Guidelines Section 15305) because the average slope is less than 20% and the minor lot line adjustment will not result in the creation of any new parcels.

CONDITIONS - EXHIBIT B

- This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
 - a. All public utility easements.
 - b. All approved street names.
- 2. Any private easements described in the title report must be shown on the map, with recording data.
- When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
- 4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
- 5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
- 6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
- 7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
- 8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
- 9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
- 10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

Staff report prepared by Holly Phipps and reviewed by Kami Griffin.



PROJECT -

Lot Line Adjustment Klintworth SUB2005-00117 COAL05-0371



EXHIBIT

Vicinity

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING AGRICULTURE SITE

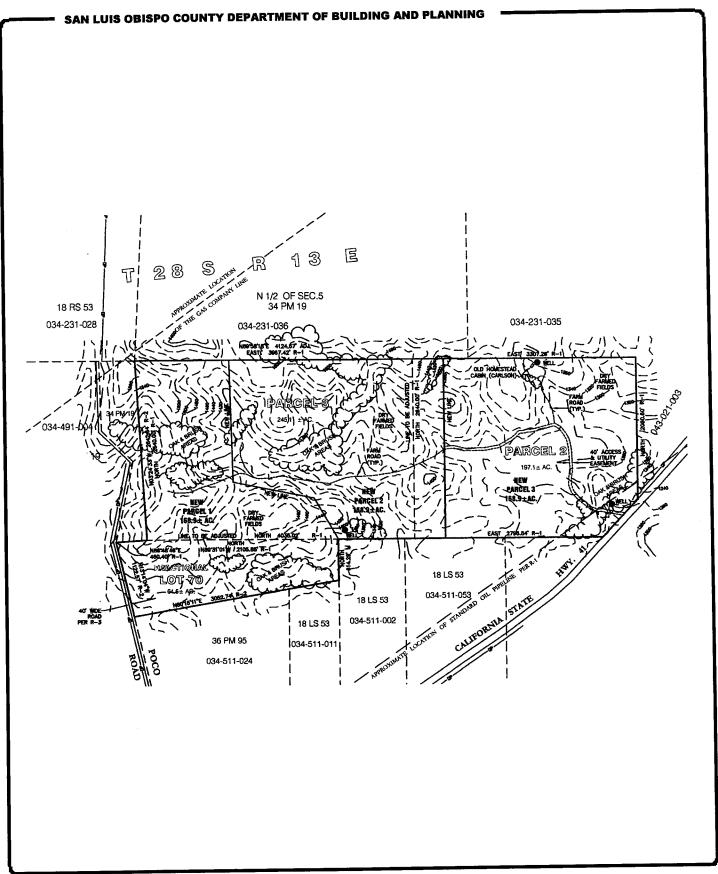
PROJECT

Lot Line Adjustment Klintworth SUB2005-00117 COAL05-0371



EXHIBIT

Land Use Category Map



PROJECT =

Lot Line Adjustment Klintworth SUB2005-00117 COAL05-0371



EXHIBIT

Site Plan



SUPPLEMENTAL DEVELOPMENT STATEMENT Klintworth Lot Line Adjustment COAL 05-0371

Purpose:

The proposed lot line adjustment will adjust three existing lots of record. The existing parcels sizes are approximately 245 +/-acres, 197.1+/- acres and 64.5+/- each. The lot line adjustment will result in three parcels of approximately 168.9 acres, 168.9 acres and 168.9+/- acres each. The purpose of the lot line adjustment is to provide balanced parcel sizes.

Ordinance Consistency:

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The lot line adjustment will equalize acreage between two substandard parcels by decreasing the sizes of two of the parcels of an approximately 245.1+/- acres to 168.9 +/- acres, 197.1 +/- acres to 168.9 acres, and increasing the size of a 64.5+/- acre parcel to 168.9+/- acres. Access will be equal to the existing situation by providing road frontage for two of the three parcels on Highway 41 and Poco Rd.

The lot line adjustment will bring the site into consistency with Land Conservation Contract. The site is currently zoned A-3-160-P and this lot line adjustment would bring the new parcels (Parcel 1: 168.9 ac, Parcel 2: 168.9 ac, and Parcel 3: 168.9 ac.) within the min. parcel size (160 ac) contract requirement.

The lot line adjustment does not break up prime soils on the site. The site contains Class II, IV and VI soils. The proposed lot configuration equalizes the various soils types between the parcels and minimizes the potential for the conversion of prime agricultural soils. From an agricultural perspective this is considered better than the existing situation.

The property is currently under CRP and is not actively farmed. Future Agricultural use of the site will be reevaluated when the property comes out of CRP. The proposed parcel sizes will provide flexibility for future Ag uses. Based on the above discussion, the project will maintain a position which is better than the existing situation relative to the county's zoning and building ordinances and agricultural policies.

Environmental Review:

We request that you evaluate this project under the Class 5 categorical exemption contained in the California Environmental Quality Act, which pertains to minor lot line adjustments on property with slopes under 20 percent.



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL
\bigcup Nov 1 4 2005 \bigcup
DATE: 11-14-05
TO: ENVIRONMENTAL HEALTH
FROM: - South County Team - Coastal Team
0.04 05 - 6271
Applicant: MIVIVIANT Applicant: MIVIVIANT
Poco Rd., north of Atascadero. APN: 034-511-001 & 034-541-
Note: 100 Par. 1109 Par. 1009 Par. 1
PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?
DART II.)
☐ YES (Please go on to PART II.) ☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)
PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
□ NO (Please go on to PART III)
PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.
TAXALLIANT "NO COMMENT" PLEASE SO INDICATE, OR CALL.
Since property is warrant there are no concerns at this
time.
11 - Sausi Salo 7815557
Date Name Phone
SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA TO WEBSITE: http://www.sloplanning.org

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL

THIS IS A NEW PROJECT REPERIOR.
DATE: 11-14-05
FROM
FROM 🗆 - South County Team 🔯 - North County Team 🗅 - Coastal Team
COAL 05-6371
Applicant: PINAWOTH
$\frac{1}{2}$
DARA Od , MORTH OF PASCIALINO. APN: 004-311-001 9 137-311
006, 007 a 009. Return this letter with your comments attached no later than: 11-29-85
PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?
YES (Please go on to PART II.) (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)
PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this
letter) NO (Please go on to PART III)
PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.
Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.
IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.
RECOMMEND APPROVAL NO TITLE GERET IN VENETICAL PRICES
MAD SHOWS EASEMENT to Paver 2 please MART IT A CONDITION to do SO.
Referral to Can Tans?
Date Soot Goodwid Phone
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556 ROBERT F. LILLEY (805) 781-5910 AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

RECEIVER AgCommSLO@co.slo.ca.us

DEC 2 1 2005

DATE:

December 20, 2005

Planning & Bldg

TO:

Holly Phipps, North County Planning Team

FROM:

Michael J. Isensee, Agricultural Resource Specialist

SUBJECT:

Klintworth Lot Line Adjustment Sub2005-00117, Ag Dept #1096

Summary of Findings

The proposed configuration of the three 169-acre parcels has no anticipated adverse impacts to agricultural resources. The Agriculture Department's review of the proposed Klintworth Lot Line Adjustment (LLA) finds that the proposed parcels are equal to or better than the existing parcels, but recommends that Land Conservation Act contract issues, if any, are addressed concurrently with the proposed LLA.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment, utilizing the agricultural policies of the Agriculture and Open Space Element of the County General Plan and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

Comments and recommendations in this report are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have any additional questions, I can be reached at 781-5753.

INTRODUCTION

The project property is located north of Highway 41 approximately half way between Atascadero and Creston. Access to the properties is either directly via Highway 41 on the eastern portion of the project site or via Poco Road on the west side of the project site.

The applicant is requesting a lot line adjustment between three parcels in order to equalize the parcels ("provide balanced parcel sizes") while also bringing all three parcels into conformance with the 160-acre minimum parcel size stated in existing Land Conservation contracts on the properties.

SOILS

The existing and proposed parcels contain the following approximate acreages of these soil types and capability classifications:

PARCEL &	SOIL_NAME & SLOPE	IRR	NON	IRR2	NON2	ACRE*
SOIL CODE						
Current Lot 70						61
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	50
153	LINNE CALODO COMPLEX, 30-50%	VI	VI	VII	VII	11
Current 1						252
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	186
153	LINNE CALODO COMPLEX, 30-50%	VI	VI	VII	VII	66
Current 2						195
133	CROPLEY CLAY (prime), 2-9%	II	IV			11
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	IV	177
159	LOCKWOOD-CONCEPCION COMPLEX (state), 2-9%	11	IV	H1	IV	7
		4.5	e de la companya de Notas de la companya			
Proposed 1						169
152	LINNE-CALODO COMPLEX, 9-30%	IV	IV	IV	١V	136
153	LINNE-CALODO COMPLEX, 30-50%	VI	VI	VII	VII	35
Proposed 2						170
152	LINNE CALODO COMPLEX, 9-30%	IV	IV	IV	١V	127
153	LINNE CALODO COMPLEX, 30-50%	VI	VI	VII	VII	43
Proposed 3						168
133	CROPLEY CLAY (prime), 2-9%	П	IV			11
152	LINNE-CALODO COMPLEX, 9-30%	IV	IV	IV	IV	150
159	LOCKWOOD-CONCEPCION COMPLEX (state), 2-9%		IV	111	IV	7

^{*}Acreages are estimated based upon County GIS and soils information from the Natural Resource Conservation Service

The proposed LLA maintains the 18 acres of potentially prime soil on the easternmost parcel, and provides each parcel with between 127 and 169 acres of Class IV or higher soils (either irrigated or nonirrigated). The resulting parcels could support various types of agriculture, including grazing, dryland farming, or future intensification if adequate water resources were available and were developed.

CROPS

The current parcels do not have any agricultural production at this time, as the property has been enrolled in the Conservation Reserve Program (CPR) since 1997. The CRP is a federal program that provides landowners with annual conservation payments in return for taking highly erosive soils, wildlife habitat, and other valuable resources out of agricultural production. Nearly 80,000 acres of land in the county is or has been enrolled in the CRP program since 1991. The average annual payment to property owners in the

county is \$28 per acre per year. San Luis Obispo has both the highest number of participants in the state (175) but also the most erosive soils, on average, enrolled in the program. The CRP contract on the project properties is set to expire in 2007.

The project area is in an area of limited agricultural intensification, with only 270 acres of crops planted within one mile of the project site (an 5,200-acre area). However, a relative diversity of crops is produced in that area, including nursery crops, wine grapes, dry-farmed grain, pasture, apples, kiwi, figs, nectarines, almonds, and even some row crops. A large number of older almond orchards exist in the area, especially to the north of the project site.

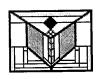
EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including 1) the configuration of the property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, no factor should worsen when compared to the existing configuration.

- 1. Configuration: The parcels would not be considered sustainable agricultural parcels in either their current and proposed configurations without the establishment of sustained irrigated uses, although the proposed parcels are large enough that they will likely remain in agricultural use. In this regard the proposed LLA is equal to the existing configuration.
- 2. Soils: The proposed configuration increases the amount of class IV soils on parcel 1 by almost 86 acres while reducing the amount of class IV soil on proposed parcel 2 (59-acre reduction) and on proposed parcel 3 (27-acre reduction). The 18 acres of potentially prime/statewide important soils remain on the easternmost parcel in both the current and proposed configurations. If adequate water resources were developed on each parcel, they each have adequate irrigable acreage to support an agricultural operation. In this regard the proposed LLA is equal to the existing configuration.
- 3. Land Conservation Act: It is unclear from the information available whether the proposal creates three parcels that each meet minimum parcel sizes specified in the property's Land Conservation Act contract. However, the proposed parcels would each provide over 100 acres of class IV nonirrigated soil and at least 150 acres that would be considered moderately to well suited to grazing, meeting the general standards for agricultural preserves and contracts. This would improve the existing situation, where one property is only 61 acres in size. In this regard the proposed LLA is better than the existing configuration.
- 4. Other factors: There do not appear to be any other factors for this project site.

CONCLUSION

The proposed configuration of the three 169 acre parcels has no anticipated adverse impacts to agricultural resources. The Agriculture Department's review of the proposed Klintworth Lot Line Adjustment (LLA) finds that the proposed parcels are equal to or better than the existing parcels, but recommends that Land Conservation Act contract issues, if any, are addressed concurrently with the proposed LLA.



Terry Wahler/Planning/COSLO 01/06/2006 03:24 PM To Holly Phipps/Planning/COSLO@Wings

CC

bcc

Subject Fw: Klintworth Lot Line Adjustment SUB2005-00117

Hi Holly,

I finally found the recorded version of this contract. It is indeed a 160 acre minimum parcel size...so the proposed parcels sizes look okay in terms of the contract. Let me know if you need anything else.

Terry Wahler, Senior Planner

---- Forwarded by Terry Wahler/Planning/COSLO on 01/06/2006 03:20 PM -----



Terry Wahler/Planning/COSLO 01/05/2006 04:37 PM

To Holly Phipps/Planning/COSLO

CC

Subject Re: Klintworth Lot Line Adjustment SUB2005-00117

Hi Holly,

I'm finishing up my re-review of this one for you. The contract that was included in your packet to me was not the recorded version so I am researching the Clerk Recorder's archives to try and find the recorded version. I'll confirm the Minimum Parcel Size for Conveyance, but I think it will be 160 acres, which makes the adjustment tight with the contract & the W.Act in general.

Let me double check and email you mañana. Didn't want to leave you hanging......

Ty.

Holly Phipps/Planning/COSLO



Holly Phipps/Planning/COSLO 01/04/2006 11:02 AM

To Terry Wahler/Planning/COSLO@Wings

CC

Subject Klintworth Lot Line Adjustment SUB2005-00117

Hi Terry,

I was working on my staff report for Klintworth's LLA and needed some clarification as to the status of Land Conservation Act contract issues.

After all our emails and correspondence, did we determined if Klintworth's Lot Line Adjustment is consistent or not consistent with the Land Conservation Act and what is the minimum parcel size required by this contract?

The Agricultural Commissioner's recommendation is that the proposed configuration of the three 169 acre parcels has no anticipated adverse impacts to agricultural resources. The Agriculture Department's review of the proposed Klintworth Lot Line Adjustment finds that the proposed parcels are equal to or better than the existing parcels but recommends that the Land Conservation Act contract issues is any, are addressed concurrently with the proposed Lot Line Adjustment.

Thanks,

Holly Phipps Planner - North County Geographic Team

County of San Luis Obispo
Department of Planning and Building
County Government Center, Room 300
San Luis Obispo, CA, 93408
805-781-1162
hphipps@co.slo.ca.us